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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/826,149	04/16/2004	Michael A. Spohn	CV/04-002	8770

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EXAMINER

GILBERT, ANDREW M

ART UNIT	PAPER NUMBER
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3767

DATE MAILED: 09/29/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/826,149

Applicant(s)

SPOHN ET AL.

Examiner

Andrew M. Gilbert

Art Unit

3767

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on 10 August 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-75 is/are pending in the application.
- 4a) Of the above claim(s) 1-59 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 60-75 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 16 April 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>4/18/05, 8/1/05</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Election/Restrictions

1. Claim 1-59 withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected invention, there being no allowable generic or linking claim. Applicant timely traversed the restriction (election) requirement in the reply filed on 8/10/2006.

2. Applicant's election with traverse of Group IV: Claims 60-75 in the reply filed on 8/10/2006 is acknowledged. The traversal is on the ground(s) that the original restriction requirement is improper because the claims are improperly grouped and that the applicant reserves the right to elect a different group of claims based upon the Applicant's proposed modification to the restriction requirement. This is not found persuasive because the groupings provided by the Applicant include distinct subcombinations having different utilities. The subcombinations are distinct because they do not overlap in scope, are not obvious variants, and if they can be shown that at least one subcombination is separately usable. As clearly explained in the Requirement for Election/Restriction the Groups I-VI meet these requirements. For instance, Group IV has separate utility from Groups IV and V such as having a pump.

3. Thus, claims 60-75 are pending for examination.

The requirement is still deemed proper and is therefore made FINAL.

Information Disclosure Statement

4. The information disclosure statement (IDS) submitted on 4/18/2005 and 8/1/2005 is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.

Specification

5. The disclosure is objected to because of the following informalities: Paragraphs [0001], [0163], and [0231] respectively need to be updated to include the missing application number.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. Claims 60-68, 72-75 are rejected under 35 U.S.C. 102(b) as being anticipated by Trombley, III et al (6096011). Trombley, III et al discloses an injector system comprising: a source of injection fluid (505); a pump device (350); a fluid path set (Fig 6A-B) disposed between the source of injection fluid and the pump device, and comprising a first section (420) and a second section (510); and at least one connector (Fig 2-5) providing the removable fluid communication between the first section and the second section, the connector comprising: a first connector member (155) associated with one of the first section and the second section and comprising an outer housing

Art Unit: 3767

(172) and a first threaded member (172) disposed in the outer housing; and a second connector member (175) associated with the other of the first section and the second section and comprising a second threaded member (192); wherein the first threaded member and second threaded member cooperate to securely and releasably connect the first member to the second member to establish the removable fluid communication between the first section and the second section (Figs 1-6b; col 5, lns 38-45), and wherein the second threaded member is received in the outer housing of the first connector member when the first connector member is connected to the second connector member (Fig 5); as to claim 61, see (170, Fig 4); as to claim 62, see (170, Fig 4); as to claim 63, see (182, 192, Fig 4-5); as to claim 64, see (182, 192, Fig 4-5); as to claim 65, see (170, 192, Fig 4-5); as to claim 66, see (170, 192, Fig 4-5); as to claim 67, see (170, Fig 4; 192, Fig 4); as to claim 68, see (196, 198, 192; Fig 4-5, 172, 170); as to claim 72, see (Figs 6A-B); as to claim 73, see (Fig 6A, B; wherein the drip chamber has a projection, or spike 520); as to claim 74, see (400; col 6, lns 18-34); as to claim 75, see (194 and proximal edge portion of 155 (ie corners closest to reference number 166); Fig 4).

8. Claims 60, 61, 68, and 69 are rejected under 35 U.S.C. 102(b) as being anticipated by Schwartz et al (6371942). Schwartz et al discloses an injector system comprising: a source of injection fluid (30); a pump device (22); a fluid path set (Fig 1) disposed between the source of injection fluid and the pump device, and comprising a first section (fluid path inside 20) and a second section (16); and at least one connector (Fig 1) providing the removable fluid communication between the first section and the

Art Unit: 3767

second section, the connector comprising: a first connector member (connector on end of syringe 22) associated with one of the first section and the second section and comprising an outer housing (Fig 1) and a first threaded member (Fig 1) disposed in the outer housing; and a second connector member (20) associated with the other of the first section and the second section and comprising a second threaded member (Fig 1); wherein the first threaded member and second threaded member cooperate to securely and releasably connect the first member to the second member to establish the removable fluid communication between the first section and the second section (Fig 1), and wherein the second threaded member is received in the outer housing of the first connector member when the first connector member is connected to the second connector member (Fig 1); as to claim 61, see (Fig 1); as to claim 68, see (Fig 1); as to claim 69, see (Fig 1).

9. Claims 60-67, 70-73 are rejected under 35 U.S.C. 102(b) as being anticipated by Raines et al (5618268). Raines et al discloses an injector system comprising: a source of injection fluid (5); a pump device (22); a fluid path set (Fig 1) disposed between the source of injection fluid and the pump device, and comprising a first section (13) and a second section (16); and at least one connector (Fig 1-2c, 8) providing the removable fluid communication between the first section and the second section, the connector comprising: a first connector member (23) associated with one of the first section and the second section and comprising an outer housing (16) and a first threaded member (74) disposed in the outer housing; and a second connector member (66) associated with the other of the first section and the second section and comprising a second

Art Unit: 3767

threaded member (72); wherein the first threaded member and second threaded member cooperate to securely and releasably connect the first member to the second member to establish the removable fluid communication between the first section and the second section (Fig 1-2c, 8-9c), and wherein the second threaded member is received in the outer housing of the first connector member when the first connector member is connected to the second connector member (Figs 8-9c); as to claim 61, see (74, Fig 9a); as to claim 62, see (74, Fig 9a); as to claim 63, see (66, 64, 72); as to claim 64, see (Fig 9a-c); as to claim 65, see (Fig 9a-c); as to claim 66, see (Fig 9a-c); as to claim 67, see (Fig 9a-c); as to claim 70, see (21); as to claim 71, see (21, 66, 16); as to claim 72, see (Figs 1-2c, 8-9c); as to claim 73, see (as to claim 61, see (8, Fig 1).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andrew M. Gilbert whose telephone number is (571) 272-7216. The examiner can normally be reached on 8:30 am to 5:00 pm Monday through Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kevin Sirmons can be reached on (571) 272-4965. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3767

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Andrew Gilbert

KEVIN C. SIRMONS
SUPERVISORY PATENT EXAMINER

A handwritten signature in black ink, appearing to read "Kevin C. Sirmons", is written over the printed name and title.